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PTO/SB/97 (09-04)

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Robert R. Waters

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PTO/SB21 (09-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

3

Application Number 10/091,695

Filing Date October 23, 2003

First Named Inventor Niles Clark

Art Unit 3751

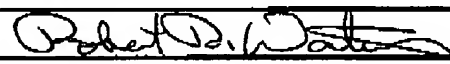
Examiner Name Khoa D. Huynh

Attorney Docket Number 144PA0102

**ENCLOSURES (Check all that apply)**


<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<b>Remarks</b>	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Waters Law Office		
Signature			
Printed name	Robert R. Waters		
Date	2/24/05	Reg. No.	43,241

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Robert R. Waters	Date	2/24/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/691,695 Confirmation No. 6634  
Applicant : Niles Clark  
Filed : October 23, 2003  
TC/A.U. : 3751  
Examiner : Khoa D. Huynh  
Docket No. : 144PA0102  
Customer No. : 26882

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Group Art Unit 3751  
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**APPLICANTS RESPONSE TO OFFICE ACTION**  
**MAILED FEBRUARY 14, 2005**

Sir:

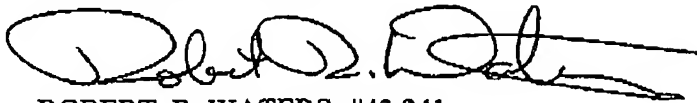
In the Office Action mailed February 14, 2005, Examiner Huynh has stated a restriction requirement pursuant to 35 U.S.C. § 121. In response, the applicant provisionally elects subgroup I as identified by the Examiner, and specifically claims 1 through 40 which are drawn to an apparatus and method for filling a syringe.

Also in the Office Action mailed February 14, 2005, Examiner Huynh has defined four species depicted in the drawings of the application. The applicant provisionally elects Species I as depicted in Fig. 1. Originally submitted claims readable upon Species I, as depicted in Fig. 1,

include claims 1 through 9, 13 through 17, 27, 39, and 40.

Having responded appropriately and in full to the Office Action, the Applicant respectfully requests advancement of the elected claims to full examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert R. Waters", with a long horizontal line extending to the right.

ROBERT R. WATERS, #43,241  
Counsel for Applicant

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